

REMARKS

At the outset, Applicants wish to thank Examiner Inadomi for the courtesies extended to Applicants' representatives during their telephonic interview on February 14, 2012. The substance of the interview is incorporated in the following remarks.

Summary of the Office Action

Claims 1-21 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention.

Claims 1-5, 8, 9 and 21 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over *Ha et al.* ("*Ha*") (U.S. Patent Application Publication No. 2003/0058389) in view of *Maeda et al.* ("*Maeda*") (U.S. Patent Application Publication No. 2002/041470887).

Claim 10 stands rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over *Ha* as modified by *Maeda*, as applied to claim 1 above, and in view of *Kubota et al.* ("*Kubota*") (U.S. Patent Application Publication No. 2002/0171792) .

Claims 11-15 and 17-20 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over *Ha*, as modified by *Maeda*, and *Kubota*, as applied to claim 10 above.

Summary of the Amendment

Applicants amend independent claims 1, 10, 12, 19, and 21 to overcome the indefiniteness issues and to distinguish over the cited references of record. Accordingly, claims 1-21 are presently pending.

Rejection of Claims Under 35 U.S.C. § 112

Claims 1-21 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. Applicants respectfully traverse the rejection for at least the following reasons.

Applicants have amended independent claims 1, 10, 12, 19, and 21 in order to expedite the prosecution of this case. Applicants respectfully submit that the amendments to claims 1, 10,

12, 19, and 21 do not narrow the intended scope of the claim, and therefore, Applicants do not intend to relinquish any subject matter by these amendments. Applicants respectfully submit that newly amended independent claims 1, 10, 12, 19, and 21 meet all the requirements of 35 U.S.C. § 112. Thus, the rejection of claims 1-21 under 35 U.S.C. § 112, second paragraph, is moot. Accordingly, Applicants respectfully request that the rejection under 35 U.S.C. § 112, second paragraph, be withdrawn.

All Claims Recite Allowable Subject Matter

Claims 1-5, 8, 9 and 21 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over *Ha* in view of *Maeda*. Applicants respectfully traverse the rejection for at least the following reasons.

To establish a prima facie obviousness, there must be a finding that the prior art included each element claimed, a finding that one of ordinary skill in the art could have combined the elements as claimed by known methods, and that one of ordinary skill in the art would have recognized that the results of the combination were predictable. MPEP §2143(A).

Applicants respectfully traverse the rejections, and reconsideration is requested. Newly amend independent claims 1, 10, and 19 are allowable over the cited references in that the claims recite, for example, a combination of elements, “a plurality of uneven patterns consisting of a first organic material layer within the reflective portion, the uneven patterns partially covering the substrate, wherein the plurality of uneven patterns are disposed within the reflective portion but are not formed over the switching portion, and the reflective portion and the transmissive portion do not overlap each other.” Similarly, newly amend independent claims 12 and 21 are allowable over the cited references in that the claims recite, for example, a combination of elements, “a plurality of uneven patterns covering portions of the inorganic material layer within the reflective portion excluding a peripheral portion of the pixel region, the uneven patterns consisting of a first organic material, wherein the reflective portion does not overlap the switching portion and the plurality of uneven patterns are not formed over the switching portion, and the reflective portion and the transmissive portion do not overlap each other.” The independent claims have been amended to recite the limitation where a plurality of uneven

patterns are not formed over the switching portion. *Maeda* teaches the opposite configuration, and therefore, may not be combined with *Ha* to arrive at the present invention. Accordingly, *Ha* in view of *Maeda* fails to teach or suggest at least these features of newly amended independent claims 1, 10, 12, 19, and 21.

Claim 10 stands rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over *Ha* as modified by *Maeda*, as applied to claim 1 above, and in view of *Kubota*. Claims 11-15 and 17-20 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over *Ha*, as modified by *Maeda*, and *Kubota*, as applied to claim 10 above. Applicants respectfully traverse the rejection for at least the following reasons.

The Office Action has not established a *prima facie* case of obviousness at least because *Ha* and *Maeda*, whether alone or in combination, fail to teach or suggest all the recited features of newly amended independent claims 10, 12, and 19. *Kubota* fails to cure the deficiencies above-mentioned in *Ha* and *Maeda*. Therefore, *Ha*, *Maeda*, and *Kubota* do not teach or suggest each and every feature of newly amended independent claims 10, 12, and 19. Accordingly, Applicants respectfully request that the rejections under 35 U.S.C. § 103(a) be withdrawn.

For at least the above reason, Applicants respectfully submit that newly amend independent claim 1 and its dependent claims 2-5 and 8-9, newly amend independent claim 10 and its dependent claim 11, newly amend independent claim 12 and its dependent claims 13-15 and 17-18, newly amend independent claim 19 and its dependent claim 20, and newly amended independent claim 21 are allowable over the cited references of record.

CONCLUSION

In view of the foregoing, Applicants respectfully request entry of the amendments to place the application in clear condition for allowance or, in the alternative, in better form for appeal.

If there are any other fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-0310. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

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